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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,292	04/11/2005	Christopher P. Parle	7095CEL-1	5274
22442	7590	08/14/2006	EXAMINER	
<b>SHERIDAN ROSS PC</b> 1560 BROADWAY SUITE 1200 DENVER, CO 80202				GRAVINI, STEPHEN MICHAEL
		ART UNIT		PAPER NUMBER
		3749		

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Applicati n N .	Applicant(s)
	10/505,292	PARLE ET AL.
	Examiner Stephen Gravini	Art Unit 3749

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 July 2006.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 29-30 32-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 4)  Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Aylor et al. (US 6,088,931). Aylor is considered to disclose the claimed invention comprising:

an array of IR emitters **30** arranged, in use, in spaced relation to a paper web wherein the paper is expressly disclosed at column 1 lines 15-25 and column 2 lines 19-44;

a lamp protection plate **24** intermediate the IR emitters and the paper web expressly disclosed at column 3 lines 28-32 and shown in figures 1, 5, 6, and 7;

characterized in that at least one of the lamp protection plate and the array of IR emitters is curved whereby drying a paper web which moves in a curved path is facilitated expressly disclosed at column 3 lines 8-60 and shown in figure 2 wherein both the disclosed lamp and protection plate are curved. Aylor is also considered to disclose the claimed curved reflector plate at column 3 lines 50-51 and wherein said lamp protection plate is cooled, in use, by the passage of gas through said curved quartz tubes at column 2 lines 24-28.

Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamrin (WO 92/18693). Hamrin is considered to disclose the claimed invention comprising:

an array of IR emitters **17** arranged, in use, in spaced relation to a paper web **18**;  
a lamp protection plate **12** intermediate the IR emitters and the paper web;

characterized in that the lamp protection plate comprises a plurality of quartz tubes arranged in an array at column 3 lines 25-30 wherein the disclosed "IR heaters 17 with emitters (not shown) in Hamrin are inherently disclosed as the claimed plurality of quartz tubes arranged in an array because the corresponding Hamrin US patent 5,440,821 shows the IR heater tubes in figures 1 and 2 and discusses the claimed shape and arrangement at column 1 line 6 through column 2 line 35 and at column 2 line 50 through column 5 line 48. Hamrin is also considered to disclose the claimed lamp protection plate being cooled in use, by the passage of gas through said quartz tubes, at column 2 line 60, wherein said IR emitters are lamps, each comprising a quartz tube, substantially identical to those used in the lamp protection plate, in which is located in an IR heating element at column 2 line 64, and wherein said quartz tubes are curved as shown in figures 1, 2.

Claims 11-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hosoya et al. (US 4,422,63).

Claims 15-19 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nishigaki et al. (US 5,041,152).

Claims 29-30 and 32-34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Secor et al. (US 5,537,925).

#### ***Claim Rejections - 35 USC § 103***

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aylor in view of Zellerman (US 3,289,679). Aylor is considered to disclose the claimed invention, as rejected above, except for the claimed curved quartz tube. Zellerman,

another IR emitter, is considered to disclose a curved quartz tube on the face of that reference wherein the tubular bulbous shape is the same as the claimed curved quartz tube. It would have been obvious to one skilled in the art to combine the teachings of Aylor with the curved quartz tube, considered disclosed by Zellerman, for the purpose of allowing an object to be dried that is of a curved surface.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki in view of Katz. Nishigaki is considered to disclose the claimed invention, as rejected above, except for the claimed removable barrier wheel. Katz, another IR emitter, is considered to disclose a removable barrier wheel at column 3 lines 35-62 wherein the removability feature is implied since one would need to remove the barrier wheel for any type of deconstruction and reconstruction. It would have been obvious to one skilled in the art to combine the teachings of Nishigaki with the removable barrier wheel, considered disclosed by Katz, for the purpose of allowing a desirable construction means for liberality of manufacturing.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki in view of Cojafex (NL 1 383 364). Nishigaki is considered to disclose the claimed invention, as rejected above, except for the claimed water cooled arc gripping means. Cojafex, another IR emitter, is considered to disclose a water cooled arc gripping means on page 2 line 113 through page 3 line 25. It would have been obvious to one skilled in the art to combine the teachings of Nishigaki with the water cooled arc gripping means, considered disclosed by Cojafex, for the purpose of preventing

deformation in obtaining a bending article and allow employing machines of lighter construction.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-26, 29-30, and 32-34 have been considered but are moot-in-part based on new grounds of rejection. Rejections maintained in this action and corresponding applicant are addressed below.

#### *anticipation*

Current Office practice constrains examination such that claims must be broadly and reasonably construed in light of the supporting specification. Applicant argues that Aylor does not disclose the claimed invention based on narrower meanings given to claims by applicant. Applicant acknowledges that Aylor discloses two infrared bulbs at column 3 line 41. To those skilled in the art, two bulbs anticipates the claimed array because broadly and reasonably construing an array would include two bulbs. Applicants also argue that the alternative claim feature of "at least one of the lamps or protective plate and the array of the emitters is curved" should be more narrowly construed. Figures 1, 5, and 6 of Aylor show that the disclose lamp bulb is curved. Since this teaching anticipates applicant's claimed feature, arguments attacking the lens curvature are moot because the claimed curved feature is in the alternative. Aylor is considered to anticipate the claimed invention and therefore the rejection is considered proper and maintained.

Also under current Office practice is the claim construction of " a lamp or protective plate comprising a plurality of quartz tubes arranged in an array." Although

applicant argues a nearest equivalent structure does not anticipate the claimed element, primary reference Hamrin is considered to anticipate this feature, as rejected above because the argued claim element is broadly and reasonably construed in light of the specification under current Office practice. Hamrin is considered to anticipate the claimed invention and therefore the rejection is considered proper and maintained.

*obviousness*

Applicant argues patentability of the claimed invention in light of secondary references without distinguishing the obviated claim features addressed in the rejection above. Both primary and secondary references should be considered together when asserting patentability rather than attacking each reference individually. Secondary reference Zellerman is not cited to teach each of the claimed elements but rather it would have been obvious to modify the teachings of primary reference Aylor for the teachings and reasons set for above in the rejection. Likewise other obviousness rejection arguments are moot based on the new rejections. The obviousness rejections are considered proper and therefore maintained.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG  
August 3, 2006

*Stephen Gravini*